


APPLICATION GRANTED  
SO ORDERED   
VERNON S. BRODERICK  
U.S.D.J. 12/3/2019

**VIA ECF**

Honorable Vernon S. Broderick  
United States District Judge  
United States District Court  
Southern District of New York  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Room 415  
New York, NY 10007

The post-discovery conference scheduled for Friday December 6, 2019, is adjourned to Friday January 17, 2020, at 11:00 a.m.

Re: *Burton for Schwartzman, et al. v. Label LLC, et al.*,  
Case No: 1:15-cv-5793 (VSB) (SDA)  
Request to Adjourn Conference Set for December 6, 2019

Dear Judge Broderick:

We represent the ADP Defendants in this case. We write to request that the Court adjourn the post-discovery conference currently set for December 6, 2019 at 10:30 a.m. *sine die*, to be re-set after the determination of the motion by plaintiffs' counsel to withdraw (doc. no. 120) and any stay or proceedings thereafter, including the limited discovery authorized by Magistrate Judge Aaron in his order dated November 8, 2019 (doc. no. 119).

The reason for this request lies in the fact that the Court scheduled the December 6 conference in anticipation of the completion of discovery on October 29. Magistrate Judge Aaron has permitted certain limited discovery that is currently scheduled to be completed by December 31, 2019. That, in and of itself, suggests that a postponement of the conference would make sense. Additionally, Plaintiffs' counsel moved to withdraw on November 27. Until this request is resolved, the completion of the additional discovery may be delayed and agreements on future scheduling will not be possible. Further, Plaintiffs' counsel's motion mentions that the bankruptcy trustee has abandoned the claims of Schwartzman, which means that either he will need to substitute back into the case to prosecute them or his claims will be extinguished. Whichever outcome might occur, interim proceedings seem necessary, also suggesting that the conference should be postponed until they have been accomplished.

No previous application for this relief has been made. All parties and counsel join in this request.

Hon. Vernon S. Broderick  
December 2, 2019  
Page 2

Accordingly, the ADP Defendants, on behalf of all parties and counsel, respectfully request that the Court adjourn the December 6 conference *sine die*. We respectfully suggest that, in determining the motion to withdraw, the Court set a future date for reporting on the progress of the case and thereafter re-set the post-discovery conference consistent with that report.

We thank Your Honor in advance for considering this application.

Respectfully submitted,

*/s/ John Houston Pope*

John Houston Pope, Esq.

cc: All counsel of record (via ECF)